

2020 Regular Session

SENATE BILL NO. 466

BY SENATOR HEWITT

PUBLIC MEETINGS. Provides for teleconferencing of public bodies under certain circumstances. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 42:12(A) and 13(A) and to enact R.S. 42:14(E), relative to  
3 meetings by public bodies; to provide for teleconferencing by public bodies in times  
4 of catastrophe; to provide requirements for holding a meeting by teleconference; and  
5 to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 42:12(A) and 13(A) are hereby amended and reenacted and  
8 R.S. 42:14(E) is hereby enacted to read as follows:

9 §12. Public policy for open meetings; liberal construction

10 A. It is essential to the maintenance of a democratic society that public  
11 business be performed in an open and public manner and that the citizens be advised  
12 of and aware of the performance of public officials and the deliberations and  
13 decisions that go into the making of public policy. **It is further essential that in**  
14 **times of catastrophe that government is obligated to continue to function and**  
15 **to facilitate the performance of its obligations, meetings of public bodies by**  
16 **audio or visual teleconference should be authorized under certain conditions.**

17 Toward this end, the provisions of this Chapter shall be construed liberally.

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§13. Definitions

A. For the purposes of this Chapter:

(1) "Anchor location" means the physical location from which the teleconference meeting originates or the participants are connected.

(2) "Catastrophe" means a condition or occurrence that substantially interferes physically with the ability of a public body to obtain a quorum to conduct a meeting subject to the "open meetings law" including fire, flood, earthquake, hurricane, tornado, epidemic, statewide gubernatorially declared public health emergency or disaster, riot, civil disturbance, enemy attack or other threatened act of lawlessness or violence.

(3) "Consent agenda" means a grouping of procedural or routine agenda items that can be approved with general discussion.

~~(2)~~(4) "Meeting" means the convening of a quorum of a public body to deliberate or act on a matter over which the public body has supervision, control, jurisdiction, or advisory power. It shall also mean the convening of a quorum of a public body by the public body or by another public official to receive information regarding a matter over which the public body has supervision, control, jurisdiction, or advisory power.

~~(3)~~(5) "Public body" means village, town, and city governing authorities; parish governing authorities; school boards and boards of levee and port commissioners; boards of publicly operated utilities; planning, zoning, and airport commissions; and any other state, parish, municipal, or special district boards, commissions, or authorities, and those of any political subdivision thereof, where such body possesses policy making, advisory, or administrative functions, including any committee or subcommittee of any of these bodies enumerated in this paragraph.

~~(4)~~(6) "Quorum" means a simple majority of the total membership of a public body.

(7) "Teleconference" means a communication conducted between two

1 or more persons in which one or more of the participants communicate with the  
2 other participants through the use of an audio and visual signal transmitted  
3 over a telephone network, a data network or the internet.

4 \* \* \*

5 §14. Meetings of public bodies to be open to the public

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7 E. This Chapter does not prohibit and shall authorize holding of a  
8 meeting by a public body subject to the law by teleconference in the case where  
9 a catastrophe has occurred and timely action on issues under the jurisdiction  
10 of the public body is necessary in the discretion of the presiding officer of the  
11 public body. A teleconference meeting may be held only under the following  
12 circumstances:

13 (1) The convening of a quorum at one location is difficult or impossible  
14 due to the catastrophe and the presiding officer of the public body determines  
15 that timely action on issues under the jurisdiction of the public body is  
16 necessary.

17 (2) The public body has previously adopted a resolution, rule or  
18 ordinance governing the use and conduct of a teleconference meeting.

19 (3) The public body complies with all notice and information  
20 requirements of this Chapter.

21 (4) The public body shall certify in the meeting notice the catastrophe,  
22 the public necessity which exists, and the inability to obtain the quorum of the  
23 public body in person is difficult or impossible due to the catastrophe.

24 (5) The notice shall specify the anchor location of the meeting and the  
25 means by which the public may listen and participate.

26 (6) All votes taken at a teleconference meeting shall be roll call votes.

27 (7) All teleconference meetings shall have call-in lines available for public  
28 participation that will be noted in the meeting notice.

29 (8) Each part of the meeting, with the exception of a duly called executive

1 session, shall be audible to the public at the location of the meeting and  
2 broadcast over the internet.

3 (9) The meeting held by teleconference shall be recorded and made  
4 available to the public in an online archive located in the internet website of the  
5 entity holding the meeting.

6 Section 2. This Act shall become effective upon signature by the governor or, if not  
7 signed by the governor, upon expiration of the time for bills to become law without signature  
8 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
9 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
10 effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Jerry J. Guillot.

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## DIGEST

SB 466 Original

2020 Regular Session

Hewitt

Proposed law indicates as part of public policy for open meetings by public bodies that it is essential that in times of catastrophe government is obligated to continue to function and to facilitate the performance of its obligations, and that meetings of public bodies by audio or visual teleconference should be authorized.

Proposed law defines the following terms:

- (1) "Anchor location" means the physical location from which the teleconference meeting originates or the participants are connected.
- (2) "Catastrophe" means a condition or occurrence that substantially interferes physically with the ability of a public body to obtain a quorum to conduct a meeting subject to the "open meetings law" including fire, flood, earthquake, hurricane, tornado, epidemic, statewide gubernatorially declared public health emergency or disaster, riot, civil disturbance, enemy attack or other threatened act of lawlessness or violence.
- (3) "Teleconference" means a communication conducted between two or more persons in which one or more of the participants communicate with the other participants through the use of an audio and visual signal transmitted over a telephone network, a data network or the internet.

Proposed law authorizes the holding of a meeting by a public body subject to the law by teleconference in the case where a catastrophe has occurred and timely action on issues under the jurisdiction of the public body is necessary in the discretion of the presiding officer of the public body.

Proposed law authorizes a public meeting by teleconference only under the following circumstances:

- (1) The convening of a quorum at one location is difficult or impossible due to the

- catastrophe and the presiding officer of the public body determines that timely action on issues under the jurisdiction of the public body is necessary.
- (2) The public body has previously adopted a resolution, rule or ordinance governing the use and conduct of a teleconference meeting.
  - (3) The public body complies with all notice and information requirements of the open meetings law.
  - (4) The public body certifies in the meeting notice the catastrophe, the public necessity which exists and the inability to obtain the quorum of the public body in person is difficult or impossible due to the catastrophe.
  - (5) The notice shall specify the anchor location of the meeting and the means by which the public may listen and participate.
  - (6) All votes taken at a teleconference meeting shall be roll call votes.
  - (7) All teleconference meetings shall have call in lines available for public participation that will be noted in the meeting notice.
  - (8) Each part of the meeting, with the exception of a duly called executive session, shall be audible to the public at the location of the meeting and broadcast over the internet.
  - (9) The meeting held by teleconference shall be recorded and made available to the public in an online archive located in the internet website of the entity holding the meeting.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 42:12(A) and 13(A); adds R.S. 42:14(E))